

inDUFed position

Ensuring Consistent Classification of Packaging under the PPWR Across the European Union

The classification of packaging under Regulation (EU) 2025/40 on Packaging and Packaging Waste (PPWR) is of fundamental importance because different obligations, targets and requirements apply to sales packaging, grouped packaging and transport packaging. A consistent interpretation is therefore necessary to **ensure legal certainty, facilitate compliance, and maintain a level playing field across the European Union.**

In practice, questions have arisen regarding the classification of certain packaging formats, particularly in industrial and business-to-business supply chains. Diverging interpretations may lead to inconsistent implementation between Member States and economic operators. **To achieve a harmonised approach that can be broadly accepted across Europe, the classification of packaging should be based on the definitions and overall structure of the PPWR.**

1. Summary

The PPWR distinguishes between sales packaging (primary packaging), grouped packaging (secondary packaging) and transport packaging (tertiary packaging). Recital 10 confirms this relationship and supports a clear and functional separation between these categories.

Based on the definitions in Article 3(5), (6) and (7), and the packaging hierarchy established by Recital 10:

- a. **Transport packaging should be limited to packaging with a distinct logistics function**, such as pallets, stretch wrap, strapping, edge protectors and anti-slip sheets.
- b. **Packaging that contains the product** should generally be classified as sales packaging, **while packaging that groups sales units** should generally be classified as grouped packaging, depending on its function.
- c. The fact that packaging is transported does not automatically make it transport packaging.
- d. **Classification should be based on the packaging's function** and should apply consistently to all packaging, regardless of size or whether it is used in **industrial or household applications**.
- e. Consequently, references to **"big cardboard boxes" as transport packaging are not supported by the PPWR**. The term "big" is not defined in either the PPWR or the Guidance and creates legal uncertainty by introducing a size criterion that does not exist in the Regulation.
- f. **This functional and hierarchical interpretation** best reflects the PPWR definitions and the distinction between primary, secondary and tertiary packaging established in Recital 10.

⇒ Transport packaging should be limited to packaging with a distinct tertiary logistics function; packaging that contains products should be classified as sales packaging and packaging that groups sales units as grouped packaging, irrespective of size or end-use. Consequently, the reference to “big cardboard boxes” as transport packaging should be removed from the Commission Guidance.

2. Details

2.1. Legal Framework

The PPWR establishes a clear hierarchy of packaging types. Recital 10 explicitly states that **sales packaging corresponds to primary packaging, grouped packaging corresponds to secondary packaging, and transport packaging corresponds to tertiary packaging**. This recital is particularly important because it clarifies the legislator’s intent and avoids an overly broad interpretation of transport packaging.

Under Article 3, the relevant definitions are:

- **Sales packaging (5):** packaging conceived so as to constitute a sales unit consisting of products and packaging to the end user at the point of sale;
- **Grouped packaging (6):** packaging conceived so as to constitute a grouping of a certain number of sales units at the point of sale, irrespective of whether that grouping of sales units is sold as such to the end user or whether it serves as a means to facilitate the restocking of shelves at the point of sale or to create a stock-keeping or distribution unit, and which can be removed from the product without affecting its characteristics.
- **Transport packaging (7):** packaging conceived so as to facilitate the handling and transport of one or more sales units or a grouping of sales units, in order to prevent damage to the product from handling and transport, but which excludes road, rail, ship and air containers.

These definitions establish a functional distinction between the three categories. In particular, the definition of transport packaging is linked to the transport of sales units or grouped units, supporting the concept of a packaging hierarchy reflected in Recital 10.

2.2. Interpretation of the Packaging Type

Transport packaging should be understood as packaging that performs a distinct tertiary logistics function. **Its purpose is to facilitate handling, storage and transport of sales units or grouped units and to prevent damage during those activities.** Examples include: Pallets, Stretch wrap and shrink wrap applied to pallet loads, Strapping, Edge protectors, Top protectors, Anti-slip sheets and mats.

These packaging elements do not themselves constitute the product-containing unit or the grouping of sales units. Their principal and only function is to support logistics operations and protect goods during storage, handling and transportation. They therefore clearly fall within the concept of transport (tertiary) packaging.

Where packaging directly contains the product and constitutes the packaging unit supplied to the customer, it should normally be regarded as sales packaging. Where packaging serves to combine multiple sales units into a larger unit for distribution, handling or shelf replenishment, it should normally be regarded as grouped packaging.

The determining factor is the packaging's function within the PPWR hierarchy. The fact that a packed product is transported does not automatically make the packaging a transport packaging, as virtually all packaging are transported at some point in the supply chain.

2.3. A Functional and Hierarchical Approach

A functional interpretation is most consistent with the PPWR. Sales packaging contains products, grouped packaging groups sales units, and transport packaging facilitates the handling and transport of sales units or grouped units. Read together with Recital 10, this supports a hierarchical approach in which transport packaging is a distinct tertiary packaging layer.

This approach should apply consistently to all packaging, regardless of size or whether it is used in industrial or household applications. The PPWR does not establish different classification rules based on packaging size or end-use.

Classifying packaging as transport packaging merely because it is transported would blur the distinction between primary, secondary and tertiary packaging and undermine consistent implementation of the PPWR across the EU.

2.4. Inconsistency in the Commission Guidance

The Commission Guidance refers to "big cardboard boxes" as transport packaging. This is inconsistent with the PPWR, which classifies packaging according to its function and not its size. Large corrugated boxes may constitute sales packaging or grouped packaging depending on their function. Their size alone cannot determine their classification

Neither the PPWR nor the Guidance defines what constitutes a "big" cardboard box. Introducing an undefined size criterion creates legal uncertainty and risks divergent interpretations across Member States.

By referring to "big cardboard boxes" as transport packaging, the Guidance risks creating legal uncertainty and undermining the distinction between sales, grouped and transport packaging established by the PPWR and by introducing an undefined term.

⇒ ***We therefore request that this reference be removed from the Commission Guidance and that packaging classification be based solely on the functional criteria set out in the PPWR.***

3. Conclusion

Packaging should be classified based on its primary function within the packaging system established by the PPWR.

Packaging that directly contains a product should normally be classified as sales packaging. Packaging that groups sales units should normally be classified as grouped packaging. Transport packaging should be limited to packaging that performs a distinct logistics function by facilitating the handling and transport of sales units or grouped units and protecting them during those operations, rather than being determined by the size of the packaging.

This functional and hierarchical approach should be applied consistently to all packaging, regardless of size, format or end-use, and should not differ between industrial and household packaging. Such an interpretation is consistent with the PPWR definitions, reflects the distinction established in Recital 10, promotes legal certainty and supports a harmonised application of the Regulation throughout the European Union.

⇒ ***Transport packaging should be limited to packaging with a distinct tertiary logistics function; packaging that contains products should be classified as sales packaging and packaging that groups sales units as grouped packaging, irrespective of size or end-use. Consequently, the reference to "big cardboard boxes" as transport packaging should be removed from the Commission Guidance.***

4. About inDUFed

inDUFed is the federation of Belgium's glass, paper & board industries, bringing together companies committed to sustainability, innovation, and quality. *inDUFed* advocates for these sectors, supports their industrial initiatives, and drives advancements that benefit both the environment and the economy.

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